UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr.
GENERAL

E/CN.7/1992/2
10 February 1992

Original: ENGLISH

COMMISSION ON NARCOTIC DRUGS
Thirty-fifth session
Vienna, 6-15 April 1992
Item 4 of the provisional agenda*

IMPLEMENTATION OF THE INTERNATIONAL DRUG CONTROL TREATIES

Report of the International Narcotics Control Board on the implementation of article 12 of the 1988 Convention **

Assessment of the International Narcotics Control Board of substances for possible inclusion in the Tables of the 1988 Convention **

Article 12, paragraph 13, of the 1988 Convention provides that "The Board shall report annually to the Commission on the implementation of this article and the Commission shall periodically review the adequacy and propriety of Table I and II."

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* E/CN.7/1992/1
** This document has not been formally edited

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I. INTRODUCTION

1. In 1991, the International Narcotics Control Board transmitted its first report 1/ under article 12, paragraph 13, of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988 Convention) to the thirty-fourth session of the Commission on Narcotic Drugs. Since the publication of that report, a number of additional steps have been taken individually and collectively by Governments and by competent international bodies during 1991. Such steps relate both to the establishment of workable mechanisms to implement article 12 to prevent diversion of precursors 2/ into illicit traffic and to the assessment of substances for possible inclusion in, deletion from, or transfer between the Tables of the 1988 Convention. In this connection, the Board recalls that resolution 5(XXXIV) adopted by the Commission, inter alia:

> "Urges source, transit and receiving States to act together but also independently, particularly with regard to specific activities originating in their territories, by establishing measures whereby the legitimacy of chemical shipments may be determined and those found to be suspicious may be investigated, communicating with each other concerning such shipments and taking the action necessary to prohibit such shipments where there is sufficient evidence that they may be diverted into the illicit traffic;" (operative paragraph 5)

> "Invites the International Narcotics Control Board, in its next report on the implementation of article 12 of the Convention, to advise the Commission on the present adequacy and propriety of Tables I and II of the Convention, including the possibility of scheduling new substances, and to communicate to the Commission its assessment of proposals received from parties for the addition of new chemicals, in accordance with article 12, paragraph 4 (b), of the Convention, with specific reference to chemicals essential to the illicit production of heroin and cocaine." (operative paragraph 11)

2. The present report therefore deals with, in Chapter II, the action taken by Governments and by competent international bodies to implement the provisions of article 12 and, in Chapter III, the assessment of substances for possible inclusion in Tables I and II of the 1988 Convention.

II. ACTION TAKEN BY GOVERNMENTS AND COMPETENT INTERNATIONAL BODIES IN THE IMPLEMENTATION OF ARTICLE 12

A. Status of the 1988 Convention and reporting by Governments under article 12

3. The 1988 Convention entered into force on 11 November 1990. As of 10 January 1992, a total of 55 States and the European Economic Community had become parties to the Convention. In its main Report for 1991, 3/ the Board welcomed this progress and urged all States which had not yet done so to become parties at the earliest possible time. The Board further encouraged all States, pursuant to recommendations of the Plenipotentiary Conference which adopted the 1988 Convention, the Economic and Social Council and the General Assembly, to apply provisionally the measures provided for in the Convention, pending its entry into force for each of them.

4. Article 12, paragraph 12, of the 1988 Convention requires each party to submit to the Board, in the form and manner provided for by it and on forms made available by it, information on substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances. In December 1989 the Board transmitted its first questionnaire (Form D) to Governments, requesting the requisite data. As of 10 January 1992, 96 countries and territories had provided information for 1989, and 93 countries for 1990. The Board welcomes the prompt response from those Governments.

5. The Board notes, however, that of the 55 States Parties, 26 of them have not yet furnished Form D for 1990. It urges the Governments concerned to ensure appropriate co-ordination between the competent administrative services and to take all necessary steps to permit prompt reporting to the Board and full compliance with the 1988 Convention.

6. Since a number of substances controlled under the 1988 Convention are widely used in industry, monitoring the movement of such substances often requires the attention of different government services. The national authorities responsible for regulating those substances may differ from those responsible for controlling narcotic drugs and psychotropic substances. In this connection, upon examination of the Forms D submitted for 1989 and 1990, the Board notes that the forms received from a total of 36 countries and territories were furnished by authorities different from those responsible for reporting to the Board under the 1961 and 1971 Conventions. The Board therefore urges Governments to identify, as a matter of urgency, the competent national authorities responsible for implementing the provisions of article 12, including reporting to the Board, and to provide such information to the Board, together with specification of their functions, and names and addresses of contact persons. (See also paragraph 15 below.)

7. For 1990, 25 countries and territories reported seizures of substances in Table I or II of the 1988 Convention and/or other substances not yet under international control but identified as used in the illicit manufacture of drugs. Forms received from other Governments contained no specific data. Reported seizures in 1990 of substances in Tables I and II are reproduced in

the annex. Among the Tables I and II substances, the substance most often reported as seized was ethyl ether (11 countries), followed by acetone (10 countries), ephedrine (6 countries) 4/, acetic anhydride (5 countries), and 1-phenyl-2-propanone (4 countries). Pursuant to its responsibilities relating to the assessment of substances under article 12, the Board will review the data on seizures of other substances identified as having been used in the illicit manufacture of drugs and will report on its findings to the Commission in due course.

B. Establishment of national and international mechanisms to prevent diversion

8. Effective implementation of the provisions of article 12 for the control of precursors 2/ to prevent their diversion into illicit traffic will require adoption by Governments of practical control measures, including such measures which the Convention leaves to the discretion of Parties. Since the publication of the first report of the Board on the implementation of article 12, 1/ a number of additional steps have been taken individually and collectively by some Governments. One such important step was the establishment of the Chemical Action Task Force (CATF) by the Group of Seven (G-7) major industrialized nations to recommend effective procedures to ensure that precursors 2/ are not diverted from legitimate sources for use in the illicit manufacture of drugs.

9. CATF was attended not only by the G-7 countries, including the Commission of the European Communities (CEC), but also by major chemical producing and trading countries, countries in which illicit drug manufacture takes place, and the Organization of American States (OAS) as well as the Board, through its secretariat. The report of CATF was submitted to the London G-7 Summit in July 1991 and was also transmitted by the Secretary-General to member States of the United Nations and to the specialized agencies concerned with the problem of drug abuse.

10. CATF adopted a number of recommendations which are addressed to Governments and competent international bodies. Among the major recommendations of its report are: (i) 10 additional substances frequently used in the clandestine manufacture of narcotic drugs and psychotropic substances should be placed under international control; and (ii) concrete measures should be taken by Governments to implement the provisions of article 12 to prevent diversion of Tables I and II and other similar substances. The question of the possible inclusion of 10 additional substances in the Tables of the 1988 Convention is dealt with in Chapter III.

11. Some of the key measures recommended by CATF are: (i) vigilance on the part of commercials operators; (ii) administrative surveillance based on recording of orders and transactions; (iii) registration/authorization of commercial operators; (iv) export authorization; and (v) import authorization. Different levels of application of such general measures are proposed for different categories of substances. Additional specific measures proposed concern, inter alia, Governments' authority to suspend shipments; regulatory measures applicable to free ports and free trade zones; methods for monitoring trade in precursors; Governments' access to information; sanctions; and industrial and commercial practices. Furthermore, the recommendations cover means of co-operation between Governments, including timely sharing of information.

12. The Board urges Governments to pay special heed to those measures recommended in the CATF report in the context of implementing the provisions of article 12 and believes that their full application could permit progress to be made to prevent the diversion of precursors 2/. It should be informed of the progress made and experience gained by the competent authorities in the application of such measures. The Board understands that CATF will meet again in 1992 to review the status of the implementation of its recommendations by CATF member and non-member countries, and looks forward to being apprised of such findings.

13. Recommendations were also addressed to competent international bodies. The CATF report, for instance, encourages the Commission, together with the Board, to promote and pursue further the work of CATF (recommendation 3). The Board suggests that the Commission consider those recommendations particularly as they relate to joint efforts by the international community to prevent diversion within the framework of article 12, with a view to inviting Governments to take concrete steps to carry them out.

14. In this connection, CATF recommends that to address the need for reliable data on the production, movement, and use of the subject chemicals, the Commission should invite the Board to compile and publish detailed information about the global patterns of trade in the chemicals recommended for control. (recommendation 36) The Board notes that such information might contain information of a commercially sensitive nature which should be kept confidential pursuant to paragraph 11 of article 12. The Commission will wish to consider this request in the light of the implications of such action, including resources requirements.

15. The Board was also invited to publish and maintain directories listing the names, addresses, and telephone and telefax numbers of competent administrative and enforcement authorities (recommendation 37). A communication requesting the information was sent to all countries. 5/ To date, only a small number of countries have provided the requested information. Such information will facilitate timely exchange of information when diversion is suspected. In this connection, the Board also requests all Governments to apprise it of the actual control measures currently being applied or planned to be applied by various authorities, so that such information can be communicated to other competent authorities. (See also paragraph 6 above.)

16. Subsequent to the CATF meetings, a number of working level meetings are being held by interested Governments in consultation with the Board and other competent international bodies, including the International Criminal Police Organization (ICPO/Interpol) and the Customs Co-operation Council (CCC).

17. One example is the Conference on Chemical Control Operations, organized by the Government of the United States in co-operation with ICPO/Interpol and the Board, at Lyon in September 1991. This informal meeting was attended by experts from regulatory, law enforcement, and customs services from 14 countries and several competent international bodies. That conference sought to develop plans and recommendations relating to practical control measures including, inter alia, creation of a standard system by which Governments can make decisions regarding the legitimacy of imports and exports of precursors 2/ to prevent diversion.

Topics discussed include determination of the type of data to be collected and maintained, rules of access, and means of communication and co-ordination for the purpose of preventing diversion. The conference also served as the first meeting between the Board, ICPO/Interpol and CCC, requested by CATF, which recommended that the Board be invited to convene a meeting to define the role of each organization in combatting chemical diversion and to coordinate more effectively their efforts in this area (recommendations 34).

18. This work continues to be pursued through working groups, involving the competent international bodies and some interested Governments. Consideration is being given to the use of "international databases" as maintained by the responsible international organizations, including such modifications and expansion which may be necessary or envisaged within their existing fields of competence. The Board, through its secretariat, is expected to act as a "gateway" to other databases in respect of control of precursors 2/. For that purpose, arrangements are under way for the establishment of an electronic communication network linking the secretariat of the Board, ICPO/Interpol and CCC as well as CEC. These arrangements will enable the competent international bodies to provide timely information to the national authorities to allow effective monitoring and control of international trade in precursors 2/. Further study is also being made of guidelines, or a manual, on standards for investigations of possible diversion to assist national authorities.

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19. The Board further notes with satisfaction that UNDCP is considering financial assistance to the projects being developed by some countries in the Andean region, which are designed specifically to prevent diversion of precursors. 2/ The Board's secretariat participates in the appraisal of such projects being conducted by the relevant services of UNDCP.

C. Regional efforts

20. CEC has drawn the attention of certain countries where illicit manufacture of drugs takes place to the EEC Regulation 6/ which provides, inter alia, a mechanism for the pre-export notification of the shipment of substances of Tables I and II of the 1988 Convention. While, under article 12, paragraph 10, advance notification requirement upon special request applies only to Table I substances, no such distinction is made in the EEC Regulation. The Board welcomes this initiative and notes that it permits more comprehensive control, which will help countries in which clandestine drug manufacture takes place to take specific measures to prevent diversion. Those countries can assist the international community by promptly availing themselves of that mechanism, in addition to utilizing the similar provision under article 12, paragraph 10.

21. CEC is considering another directive to cover intra-Community trade in Tables I and II substances.

22. The Inter-American Drug Abuse Control Commission (CICAD) of OAS is holding a

series of multi-country seminar/workshops on traffic in precursors 2/ for its member States to promote implementation of the provisions of article 12 and adoption of the OAS Model Regulations. 2/ The Board notes with satisfaction that many of the Governments have incorporated the Model Regulations into their national legislation and looks forward to receiving a report on the appraisal planned to be undertaken by CICAD concerning the adoption by its member States of the Model Regulations.

III. ASSESSMENT OF SUBSTANCES FOR POSSIBLE MODIFICATION IN THE SCOPE OF CONTROL

A. Background

23. In July 1991, the Government of the United States submitted a notification to the Secretary-General, pursuant to article 12, paragraph 2, of the 1988 Convention, proposing that ten substances be added to Table I or Table II of that Convention. That notification also reflected the recommendations of CATF (see paragraph 8 above). It was then transmitted by the Secretary-General, in accordance with article 12, paragraph 3, to the Board and to all countries. Governments were also provided with a questionnaire designed to supply information to assist the Board in its assessment.

24. Due to the limited time available for Governments to provide comments and supplementary information before its regular session in October 1991, the Board decided to have a special session in January 1992. In the discharge of its new functions under article 12, paragraphs 2-7, as they relate to the assessment of substances for possible modification in the scope of control, the Board requires special expertise on a sustained basis in the same manner as does WHO for similar functions under the Single Convention on Narcotic Drugs, 1961, and the 1971 Convention on Psychotropic Substances (1961 and 1971 Conventions, respectively). It had therefore convened a preparatory meeting of an Advisory Expert Group (AEG) in September 1991 and another meeting of its AEG in November 1991 to assist it in assessing those substances.

25. The assessments of the substances were conducted in accordance with guidelines adopted by the Board at its fiftieth session in October 1991, for the work of its AEG and for its own review. The "Guidelines for review of substances under article 12, paragraph 4, of the 1988 Convention" are reproduced in annex II of this report.

26. The comprehensive report of AEG served as the basis for the Board's discussions. The Board expresses its appreciation to AEG for its assistance to the Board. The results of the Board's assessment of the substances in question are included in the present report.

27. In this regard, the Board notes that it was only able to convene these meetings of its AEG because special financial contributions had been provided by Germany and Switzerland. The Board reiterates its appreciation to these Governments for their support. The Board expects that financial resources for such treaty-based functions will, in the future, be included in the regular budget. By the same token, it stresses that adequate staff resources need to be provided on a continuing basis to enable the Board to discharge effectively its monitoring and assessment functions under article 12.

28. The Board notes that resolution 5(XXXIV) of the Commission also requested the Board to advise the Commission on the "present adequacy and propriety of Tables I and II". Any assessment of the substances currently controlled under article 12 had to be deferred to permit the Board to assess new substances proposed for scheduling in time for submission to the thirty-

fifth session of the Commission.

B. Assessment of substances

29. Article 12, paragraph 4, of the 1988 Convention stipulates the following:

> "If the Board, taking into account the extent, importance and diversity of the licit use of the substance, and the possibility and ease of using alternate substances both for licit purposes and for the illicit manufacture of narcotic drugs or psychotropic substances, finds:
>
> (a) That the substance is frequently used in the illicit manufacture of a narcotic drug or psychotropic substance;
>
> (b) That the volume and extent of the illicit manufacture of a narcotic drug or psychotropic substance creates serious public health or social problems, so as to warrant international action,
>
> it shall communicate to the Commission an assessment of the substance, including the likely effect of adding the substance to either Table I or Table II on both licit use and illicit manufacture, together with recommendations of monitoring measures, if any, that would be appropriate in the light of its assessment."

30. The substances proposed by the Government of the United States in its notification to the Secretary-General are as follows:

N-acetylanthranilic acid
3,4-Methylenedioxyphenyl-2-propanone
Safrole
Isosafrole
Piperonal
Methyl ethyl ketone
Toluene
Potassium permanganate
Sulfuric acid
Hydrochloric acid

31. In making its assessment of the substances proposed for international control, the Board had at its disposal, in addition to the relevant information and other data contained in the United States notification, comments and supplementary information received from countries and competent international bodies pursuant to article 12, paragraph 3. A total of 20 countries and CEC as well as WHO had supplied comments and/or supplementary information and data prior to the fifty-first session of the Board. The Board also had before it the comments and extensive data collected through the work of CATF (see paragraph 8 above) and from other international

organizations as well as from industry. The Board hopes that in the future, as required under article 12, paragraph 3, Governments will promptly communicate their comments concerning a notification to the Secretary-General, together with all supplementary information which may assist the Board in establishing its assessment and the Commission in reaching a decision.

32. When assessing the substances, the Board particularly considered the application of measures necessary for effective control within the framework of article 12. In respect of international transactions, paragraph 9 of article 12 stipulates, for substances in Tables I and II, the obligations to establish and maintain a system to monitor international trade to identify suspicious transactions, to provide for seizures, to notify the authorities of the Parties concerned of suspicious transactions, to require proper labeling and documentation, and to ensure maintenance of such documents for at least two years. As regards the requirement of monitoring manufacture and distribution in national territories, paragraph 8 of article 12 provides for possible measures, by which Parties may control persons and enterprises, control under licence establishments and premises, require permits for such operations, and prevent accumulation of substances in Tables I and II.

33. Following its decision to recommend that a substance be placed under international control, the Board then considered in which table the substance should be placed and on appropriate monitoring measures. In those deliberations, the Board took into account the fact that the only difference between the measures applicable to Table I and those applicable to Table II is the mechanism for advance notification for exports upon special request from interested Governments, pursuant to paragraph 10 of article 12.

34. Concerning international transactions in those substances which are widely used in industry for licit purposes, the Board recommends that countries, within the framework of article 12, should focus on controlling and monitoring shipments which are, or may be, destined for areas where illicit drug manufacture takes place, in order to prevent their diversion into illicit traffic.

35. The Board noted the question of mixtures which may contain substances placed under the control of the 1988 Convention and which may be used or from which such substances may be recovered by readily applicable means. Governments should pay special heed to identifying and monitoring such mixtures to prevent their diversion. The Board for its part will address this matter and advise the Commission in due course of its findings.

36. The Board further noted that the Tables annexed to the 1988 convention include salts of the listed substances. Two of the substances under consideration, i.e. sulfuric acid and hydrochloric acid, give rise to a large number of inorganic and organic salts, many of which have a wide range of legitimate applications. The chemical properties of such salts are so different from the acid that they cannot be used for the same licit and/or illicit purpose as the acid itself. For these reasons, and since the United States notification refers to the acids alone, the Board considered the parent chemicals, sulfuric acid and hydrochloric acid, and not their salts, in its assessment for possible control.

37. The Board's assessments and recommendations for each of the ten substances are set out below.

N-acetylanthranilic acid (N-AAA)

38. Taking into account that:

N-AAA is used in the illicit manufacture of methaqualone, which is in Schedule II of the 1971 Convention;

N-AAA is a commercially available chemical used in limited quantities as an intermediate in the manufacture of a few pharmaceuticals (including methaqualone) and some fine chemicals;

Anthranilic acid with acetic anhydride, both of which are in Table II of the 1988 Convention, are used for the licit and illicit manufacture of N-AAA;

The Board finds that:

(a) N-AAA is the immediate and key precursor frequently used in the illicit manufacture of methaqualone and its analogues (including mecloqualone). Methods utilizing this chemical are preferred for illicit manufacture. Clandestine laboratories using N-AAA to manufacture methaqualone have been seized in various regions of the world.

(b) Methaqualone is illicitly manufactured in large volumes in different countries and is trafficked internationally. Methaqualone is widely abused in different parts of the world. Abuse is spreading to countries previously unaffected. The volume and extent of the illicit manufacture of methaqualone create serious public health and social problems so as to warrant international action.

39. International control over N-AAA is expected to decrease the availability of N-AAA in illicit channels. The quantity of methaqualone and its analogues illicitly produced would thus be reduced, without hindering the availability of N-AAA for licit purposes.

Recommendation

40. In view of the above, the Board recommends that N-acetylanthranilic acid be placed under control of the 1988 Convention.

41. Considering the importance of N-acetylanthranilic acid in the illicit manufacture of methaqualone and the limited licit use of this chemical, the Board recommends that N-acetylanthranilic acid be added to Table I of the 1988 Convention.

3,4-Methylenedioxyphenyl-2-propanone (3,4-MDP-2-P)

42. Taking into account that:

3,4-MDP-2-P is used in the illicit manufacture of α-methyl-3,4-(methylenedioxy)-phenethylamine (also referred to as 3,4-methylenedioxyamphetamine or MDA) and its analogues, 8/ which are in Schedule I of the 1971 Convention;

3,4-MDP-2-P is a commercially available chemical used in limited quantities as an intermediate in the manufacture of other organic chemicals.

There are no substitutes for licit purposes but 3,4-MDP-2-P can be easily manufactured using safrole, isosafrole or piperonal. Safrole is a precursor for isosafrole; isosafrole is a precursor for piperonal;

MDA and its analogues can also be manufactured starting with safrole, isosafrole, or piperonal;

The Board finds that:

(a) 3,4-MDP-2-P is the immediate and most important precursor frequently used in the illicit manufacture of MDA and its analogues. Methods utilizing this chemical are preferred for illicit manufacture. Clandestine laboratories using 3,4-MDP-2-P to manufacture MDA and its analogues have been seized in various regions of the world.

(b) MDA and its analogues are illicitly manufactured in different countries and are trafficked internationally. MDA and its analogues are abused in different parts of the world. Abuse is spreading to countries previously unaffected. The volume and extent of the illicit manufacture of MDA and its analogues create serious public health and social problems so as to warrant international action.

43. International control over 3,4-MDP-2-P is expected to decrease the availability of 3,4-MDP-2-P in illicit channels. The quantity of MDA and its analogues illicitly produced would thus be reduced, without hindering the availability of 3,4-MDP-2-P for licit purposes. Safrole, isosafrole and piperonal, the other precursors of MDA and its analogues, are being recommended by the Board to be added to Table I of the 1988 Convention.

Recommendation

44. In view of the above, the Board recommends that 3,4-methylenedioxyphenyl-2-propanone be placed under control of the 1988 Convention.

45. Considering the importance of 3,4-methylenedioxyphenyl-2-propanone in the illicit manufacture of MDA and its analogues and the limited licit use of this chemical, the Board

recommends that 3,4-methylenedioxyphenyl-2-propanone be added to Table I of the 1988 Convention.

Safrole

46. **Taking into account that:**

Safrole is used in the illicit manufacture of α-methyl-3,4-(methylenedioxy)phenethylamine (also referred to as 3,4-methylenedioxyamphetamine or MDA) and its analogues, 8/ which are in Schedule I of the 1971 Convention;

Safrole is a commercially available chemical used in the flavour and fragrance industries. It is used in general organic synthesis, notably in the production of piperonal;

There are no known substitutes for licit purposes. Safrole is a precursor for isosafrole; isosafrole is a precursor for piperonal;

MDA and its analogues can also be manufactured starting with 3,4-Methylenedioxyphenyl-2-propanone, isosafrole, or piperonal.

The Board finds that:

(a) Safrole is a precursor frequently used in the illicit manufacture of MDA and its analogues. Methods utilizing 3,4-methylenedioxyphenyl-2-propanone, safrole, isosafrole, or piperonal as precursors are used for the illicit manufacture of MDA and its analogues. Clandestine laboratories using safrole to manufacture MDA and its analogues have been seized in various regions of the world.

(b) MDA and its analogues are illicitly manufactured in different countries and are trafficked internationally. MDA and its analogues are abused in different parts of the world. Abuse is spreading to countries previously unaffected. The volume and extent of the illicit manufacture of MDA and its analogues create serious public health and social problems so as to warrant international action.

47. International control over safrole is expected to decrease the availability of safrole in illicit channels. The quantity of MDA and its analogues illicitly produced would thus be reduced, without hindering the availability of safrole for licit purposes. 3,4-Methylenedioxyphenyl-2-propanone, isosafrole and piperonal, the other precursors of MDA and its analogues, are being recommended by the Board to be added to Table I of the 1988 Convention.

Recommendation

48. In view of the above, the Board recommends that safrole be placed under control of the 1988 Convention.

49. Considering the importance of safrole in the illicit manufacture of MDA and its analogues and that the licit use of this chemical is not extensive, the Board recommends that safrole be added to Table I of the 1988 Convention.

Isosafrole

50. Taking into account that:

Isosafrole is used in the illicit manufacture of α-methyl-3,4-(methylenedioxy)-phenethylamine (also referred to as 3,4-methylenedioxyamphetamine or MDA) and its analogues, 8/ which are in Schedule I of the 1971 Convention; it is a precursor for both piperonal and 3,4-methylenedioxyphenyl-2-propanone, the immediate precursor of MDA and its analogues;

Isosafrole is a commercially available chemical used in the flavour and fragrance industries. It is used in general organic synthesis, notably in the production of piperonal;

There are no known substitutes for licit purposes. Safrole is a precursor for isosafrole. Isosafrole is a precursor for piperonal;

MDA and its analogues can also be manufactured starting with 3,4-methylenedioxyphenyl-2-propanone, safrole or piperonal;

The Board finds that:

(a) Isosafrole is a precursor frequently used in the illicit manufacture of MDA and its analogues. Methods utilizing 3,4-methylenedioxyphenyl-2-propanone, safrole, isosafrole, or piperonal as precursors are used for illicit manufacture of MDA and its analogues. Clandestine laboratories using isosafrole to manufacture MDA and its analogues have been seized in various regions of the world.

(b) MDA and its analogues are illicitly manufactured in different countries and are trafficked internationally. MDA and its analogues are abused in different parts of the world. Abuse is spreading to countries previously unaffected. The volume and extent of the illicit manufacture of MDA and its analogues create serious public health and social problems so as to warrant international action.

51. International control over isosafrole is expected to decrease the availability of isosafrole in illicit channels. The quantity of MDA and its analogues illicitly produced would thus be reduced, without hindering the availability of isosafrole for licit purposes. 3,4-methylenedioxyphenyl-2-propanone, safrole and piperonal, the other precursors of MDA and its analogues, are being recommended by the Board to be added to Table I of the 1988 Convention.

Recommendation

52. In view of the above, the Board recommends that isosafrole be placed under control of the 1988 Convention.

53. Considering the importance of isosafrole in the illicit manufacture of MDA and its analogues and that the licit use of this chemical is not extensive, the Board recommends that isosafrole be added to Table I of the 1988 Convention.

Piperonal

54. Taking into account that:

Piperonal is used in the illicit manufacture of α-methyl-3,4-(methylenedioxy)-phenethylamine (also referred to as 3,4-methylenedioxyamphetamine or MDA) and its analogues, 8/ which are in Schedule I of the 1971 Convention; it is a precursor for 3,4-methylenedioxyphenyl-2-propanone, the immediate precursor of MDA and its analogues;

Piperonal is a commercially available chemical used primarily in the flavour and fragrance industries. It is used in general organic synthesis;

There are no known substitutes for licit purposes. Safrole is a precursor for isosafrole. Isosafrole is a precursor for piperonal;

MDA and its analogues can also be manufactured starting with 3,4-methylenedioxyphenyl-2-propanone, safrole, or isosafrole;

The Board finds that:

(a) Piperonal is a precursor frequently used in the illicit manufacture of MDA and its analogues. Methods utilizing 3,4-methylenedioxyphenyl-2-propanone, safrole, isosafrole, or piperonal as precursors are used for the illicit manufacture of MDA and its analogues. Clandestine laboratories using piperonal to manufacture MDA and its analogues have been seized in various regions of the world.

(b) MDA and its analogues are illicitly manufactured in different countries and are trafficked internationally. MDA is abused in different parts of the world. Abuse is spreading to countries previously unaffected. Abuse and trafficking of illicitly manufactured MDA create serious public health and social problems so as to warrant international action.

55. International control over piperonal is expected to decrease the availability of piperonal in illicit channels. The quantity of MDA and its analogues illicitly produced would thus be reduced, without hindering the availability of piperonal for licit purposes. 3,4-methylenedioxyphenyl-2-propanone, safrole and isosafrole, the other precursors of MDA and its analogues, are being recommended by the Board to be added to Table I of the 1988 Convention.

Recommendation

56. In view of the above, the Board recommends that piperonal be placed under control of the 1988 Convention.

57. Considering the importance of piperonal in the illicit manufacture of MDA and its analogues and that the licit use of this chemical is not extensive, the Board recommends that piperonal be added to Table I of the 1988 Convention.

Methyl ethyl ketone (MEK)

58. Taking into account that:

MEK is used in the illicit manufacture of cocaine hydrochloride, which is in Schedule I of the 1961 Convention, and other drugs of abuse;

MEK is a widely available chemical used extensively as a solvent, extracting agent and chemical intermediate in a wide variety of industries throughout the world;

MEK is not manufactured in, but is exported in substantial quantities to, countries where it is used in the illicit manufacture of cocaine hydrochloride;

Other organic solvents, including acetone and ethyl ether, with properties similar to those of MEK may be used in its place both for licit and illicit purposes;

Acetone and ethyl ether are already included in Table II of the 1988 Convention;

The Board finds that:

(a) MEK is an important solvent which is frequently used in the illicit manufacture of cocaine hydrochloride. Because of its chemical and physical properties it is particularly well-suited for this use. Seizure data and chemical analysis of cocaine hydrochloride samples show that MEK is currently the most frequently used solvent in the conversion of cocaine base to cocaine hydrochloride. Clandestine laboratories using MEK to manufacture cocaine hydrochloride have been seized primarily in the Andean countries of South America. MEK is also used as a solvent in the conversion of heroin and other drugs of abuse to their hydrochloride salts.

(b) There are high levels of illicit cocaine manufacture in several countries. Illicitly manufactured cocaine is distributed to many areas of the world and abused by a large number of people. Abuse is spreading to countries previously unaffected. The use and disposal of the huge volume of chemicals necessary for the illicit manufacture of cocaine result in significant environmental damage. The volume and extent of the illicit manufacture of cocaine create serious public health and social problems so as to warrant international action.

59. International control over MEK is expected to significantly decrease the availability to clandestine laboratories of the solvent most frequently used in the illicit manufacture of cocaine hydrochloride. It would reduce the opportunity for traffickers to find alternate sources (other exporting countries) of MEK, as current source countries apply export controls to prevent the diversion of MEK. The application of monitoring and control measures designed to prevent the diversion of shipments of MEK which are, or may be, destined for areas where cocaine hydrochloride is illicitly manufactured should have minimal impact on licit commerce in MEK.

Recommendation

60. In view of the above, the Board recommends that methyl ethyl ketone be placed under control of the 1988 Convention.

61. Considering the seriousness and extent of the public health and social problems caused by cocaine abuse and trafficking, the importance of methyl ethyl ketone in the illicit manufacture of cocaine hydrochloride and the extensive licit use of this chemical, the Board recommends that methyl ethyl ketone be added to Table II of the 1988 Convention.

62. Since the use of methyl ethyl ketone for the illicit manufacture of cocaine hydrochloride is mainly confined to a limited area, the Board recommends that countries, within the framework of article 12, should focus on controlling and monitoring shipments of methyl ethyl ketone which are, or may be, destined for areas where cocaine hydrochloride is illicitly manufactured, in order to prevent their diversion into illicit channels.

Toluene

63. Taking into account that:

Toluene is used in the illicit manufacture of cocaine hydrochloride, which is in Schedule I of the 1961 Convention, and other drugs of abuse;

Toluene is a widely available chemical used extensively as a solvent, fuel additive and chemical intermediate in a wide variety of industries throughout the world;

Toluene is not manufactured in, but is exported in substantial quantities to, countries where it is used in the illicit manufacture of cocaine hydrochloride;

Other organic solvents, including acetone and ethyl ether, with properties similar to those of toluene may be used in its place both for licit and illicit purposes;

Acetone and ethyl ether are already in Table II of the 1988 Convention;

The Board finds that:

(a) Toluene is an important solvent which is frequently used in the illicit manufacture of cocaine hydrochloride. Because of its chemical and physical properties it is particularly well-suited for this use. Seizure data and chemical analysis of cocaine hydrochloride samples show that toluene is currently one of the most frequently used solvents in the conversion of cocaine base to cocaine hydrochloride. Clandestine laboratories using toluene to manufacture cocaine hydrochloride have been seized primarily in the Andean countries of South America. Toluene is also used as a solvent in the conversion of other drugs of abuse to their hydrochloride salts.

(b) There are high levels of illicit cocaine manufacture in several countries. Illicitly manufactured cocaine is distributed to many areas of the world and abused by a large number of people. Abuse is spreading to countries previously unaffected. The use and disposal of the huge volume of chemicals necessary for the illicit manufacture of cocaine result in significant environmental damage. The volume and extent of the illicit manufacture of cocaine create serious public health and social problems so as to warrant international action.

64. International control over toluene is expected to significantly decrease the availability to clandestine laboratories of one of the solvents most frequently used in the illicit manufacture of cocaine hydrochloride. It would reduce the opportunity for traffickers to find alternate sources (other exporting countries) of toluene, as current source countries apply export controls to prevent the diversion of toluene. The application of monitoring and control measures designed to prevent the diversion of shipments of toluene which are, or may be, destined for areas where cocaine hydrochloride is illicitly manufactured should have minimal impact on licit commerce in toluene.

Recommendation

65. In view of the above, the Board recommends that toluene be placed under control of the 1988 Convention.

66. Considering the seriousness and extent of the public health and social problems caused by cocaine abuse and trafficking, the importance of toluene in the illicit manufacture of cocaine hydrochloride and the extensive licit use of this chemical, the Board recommends that toluene be placed in Table II of the 1988 Convention.

67. Since the use of toluene for the illicit manufacture of cocaine hydrochloride is mainly confined to a limited area, the Board recommends that countries, within the framework of article

12, should focus on controlling and monitoring shipments of toluene which are, or may be, destined for areas where cocaine hydrochloride is illicitly manufactured, in order to prevent their diversion into illicit channels.

Potassium permanganate

68. Taking into account that:

Potassium permanganate is used in the illicit manufacture of cocaine, which is in Schedule I of the 1961 Convention;

Potassium permanganate is a widely available chemical used as an oxidizing agent in a wide variety of industries throughout the world;

Potassium permanganate is not manufactured in, but is exported in substantial quantities to, countries where it is used in the illicit manufacture of cocaine;

Other oxidizing agents with properties similar to those of potassium permanganate may be used in its place for licit purposes;

Although other oxidizing agents may be used in place of potassium permanganate in the illicit manufacture of cocaine, potassium permanganate has properties which make it particularly well-suited for this purpose and it is by far the most frequently used oxidizing agent at this time;

The Board finds that:

(a) Potassium permanganate is a strategic chemical almost always used in the illicit manufacture of cocaine. It is an oxidizing agent particularly well-suited for use by clandestine laboratory operators to remove impurities in cocaine base. Clandestine laboratories using potassium permanganate to manufacture cocaine hydrochloride have been seized primarily in the Andean countries of South America. Potassium permanganate is also used as an oxidizing agent in the illicit manufacture of other stimulant drugs of abuse.

(b) There are high levels of illicit cocaine manufacture in several countries. Illicitly manufactured cocaine is distributed to many areas of the world and abused by a large number of people. Abuse is spreading to countries previously unaffected. The use and disposal of the huge volume of chemicals necessary for the illicit manufacture of cocaine result in significant environmental damage. The volume and extent of the illicit manufacture of cocaine create serious public health and social problems so as to warrant international action.

69. International control over potassium permanganate is expected to significantly decrease the availability to clandestine laboratories of the oxidizing agent most frequently used in the illicit manufacture of cocaine. Lack of an effective oxidizing agent in the illicit manufacture of cocaine would result in a less pure and much less desirable end product. The application of monitoring and control measures designed to prevent the diversion of shipments of potassium permanganate which are, or may be, destined for areas where cocaine is illicitly manufactured should have minimal impact on licit commerce in potassium permanganate.

Recommendation

70. In view of the above, the Board recommends that potassium permanganate be placed under control of the 1988 Convention.

71. Considering the seriousness and extent of the public health and social problems caused by cocaine abuse and trafficking, the importance of potassium permanganate in the illicit manufacture of cocaine and the extensive licit use of this chemical, the Board recommends that potassium permanganate be added to Table II of the 1988 Convention.

72. Since the use of potassium permanganate for the illicit manufacture of cocaine is mainly confined to a limited area, the Board recommends that countries, within the framework of article 12, should focus on controlling and monitoring shipments of potassium permanganate which are, or may be, destined for areas where cocaine is illicitly manufactured, in order to prevent their diversion into illicit channels.

Sulfuric acid

73. Taking into account that:

Sulfuric acid is used in the illicit manufacture of cocaine, which is in Schedule I of the 1961 Convention;

Sulfuric acid is a widely available and important chemical extensively used in a wide variety of industries throughout the world;

Other strong inorganic acids with properties similar to those of sulfuric acid are commercially available and may be used in its place for some licit purposes;

Although other acids may be used in place of sulfuric acid in the illicit manufacture of coca paste and in the purification of coca paste to cocaine base, sulfuric acid is particularly well-suited and appears to be the only acid used for these purposes at this time;

The Board finds that:

(a) Sulfuric acid is a critical chemical which is almost always used in the illicit manufacture of coca paste and in the purification of coca paste to cocaine base. An acid such as sulfuric acid is necessary for the illicit manufacture of cocaine. Large volumes of sulfuric acid are increasingly being used in place of kerosene in the extraction of cocaine from coca leaves. Clandestine laboratories using sulfuric acid to manufacture cocaine have been seized primarily in the Andean countries of South America.

(b) There are high levels of illicit cocaine manufacture in several countries. Illicitly manufactured cocaine is trafficked to many areas of the world and abused by a large number of people. Abuse is spreading to countries previously unaffected. The use and disposal of the huge volume of chemicals necessary for the illicit manufacture of cocaine result in significant environmental damage. The volume and extent of the illicit manufacture of cocaine create serious public health and social problems so as to warrant international action.

74. International control over sulfuric acid is expected to significantly decrease the availability to clandestine laboratories of this acid which is necessary for the illicit manufacture of cocaine. The application of monitoring and control measures designed to prevent the diversion of shipments of sulfuric acid which are, or may be, destined for areas where cocaine is illicitly manufactured should have minimal impact on licit commerce in sulfuric acid.

75. Sulfuric acid gives rise to a large number of inorganic and organic salts, many of them with a wide range of legitimate applications. However, the chemical properties of such salts are so different from those of the acid that they cannot be used for the same licit and/or illicit purposes as the acid itself.

Recommendation

76. In view of the above, the Board recommends that sulfuric acid, excluding its salts, be placed under control of the 1988 Convention.

77. Considering the seriousness and extent of the public health and social problems caused by cocaine abuse and trafficking, the importance of sulfuric acid in the illicit manufacture of cocaine and the extensive licit use of this chemical, the Board recommends that sulfuric acid, excluding its salts, be added to Table II of the 1988 Convention.

78. Since the use of sulfuric acid for the illicit manufacture of cocaine is confined to a limited area, the Board recommends that countries, within the framework of article 12, should focus on controlling and monitoring shipments of sulfuric acid which are, or may be, destined for areas where cocaine is illicitly manufactured, in order to prevent their diversion into illicit channels.

Hydrochloric acid

79. Taking into account that:

Hydrochloric acid is used in the illicit manufacture of cocaine hydrochloride, which is in Schedule I of the 1961 Convention, and heroin hydrochloride, which is in Schedules I and IV of that Convention;

Hydrochloric acid is a widely available and important chemical extensively used in a wide variety of industries throughout the world;

Other strong inorganic acids with properties similar to those of hydrochloric acid are commercially available and may be used in its place for some licit purposes;

Hydrochloric acid is the only acid which can be used in the clandestine laboratory to produce the hydrochloride salts of cocaine, heroin and most other drugs of abuse;

The Board finds that:

(a) Hydrochloric acid is a critical chemical which is always used in the illicit manufacture of cocaine hydrochloride and heroin hydrochloride from cocaine and heroin base. Hydrochloride salts of cocaine, heroin and other drugs of abuse are the preferred forms for illicit trafficking and abuse. Clandestine laboratories using hydrochloric acid to manufacture cocaine hydrochloride have been seized primarily in the Andean countries of South America. Clandestine laboratories manufacturing heroin hydrochloride have been seized mainly in South East and South West Asia. Hydrochloric acid is also used in the illicit manufacture of the hydrochloride salts of other drugs of abuse in different parts of the world, particularly North America, Europe and East Asia.

(b) Currently there are high levels of illicit cocaine and heroin manufacture in several areas. Illicitly manufactured cocaine and heroin are distributed throughout the world and abused by a large number of people. Abuse is spreading to countries previously unaffected. The use and disposal of the huge volume of chemicals necessary for the illicit manufacture of cocaine and heroin result in significant environmental damage. The volume and extent of the illicit manufacture of cocaine and heroin create serious public health and social problems so as to warrant international action.

80. International control over hydrochloric acid is expected to significantly decrease the availability to clandestine laboratories of the chemical necessary for the illicit manufacture of the hydrochloride salts of cocaine and heroin. The application of monitoring and control measures designed to prevent the diversion of shipments of hydrochloric acid which are, or may be, destined for areas where cocaine and heroin are illicitly manufactured should have minimal impact on licit commerce in hydrochloric acid.

81. Hydrochloric acid gives rise to a large number of inorganic and organic salts, many of them with a wide range of legitimate applications. However, the chemical properties of such salts are so different from those of the acid that they cannot be used for the same licit and/or illicit purposes as the acid itself.

Recommendation

82. In view of the above, the Board recommends that hydrochloric acid, excluding its salts, be placed under control of the 1988 Convention.

83. Considering the seriousness and extent of the problems of cocaine and heroin abuse, the importance of hydrochloric acid in the illicit manufacture of cocaine hydrochloride and heroin hydrochloride and the extensive licit use of this chemical, the Board recommends that hydrochloric acid, excluding its salts, be added to Table II of the 1988 Convention.

84. Since the use of hydrochloric acid for the illicit manufacture of cocaine hydrochloride and heroin hydrochloride is mainly confined to a limited area, the Board recommends that countries, within the framework of article 12, should focus on controlling and monitoring shipments of hydrochloric acid which are, or may be, destined for areas where cocaine hydrochloride and heroin hydrochloride are illicitly manufactured, in order to prevent their diversion into illicit channels.

Notes

1/ E/CN.7/1991/21.

2/ This term is used to indicate any substance in Table I or Table II of the 1988 Convention, except where the context otherwise requires. These substances, which are often described as essential chemicals, solvents or precursors, depending on their principal chemical properties, were not defined by the use of any one term at the Plenipotentiary Conference which adopted the 1988 Convention. Instead, the expression "substances frequently used in the illicit manufacture of narcotic drugs or psychotropic substances" was introduced in the Convention. The custom has developed to refer to all such substances by the simple term "precursors"; although this is not technically correct, the Board has decided to use the word in that sense in its report for the sake of brevity.

3/ E/INCB/1991/1.

4/ In addition, seizures of ephedrine preparations were reported by three countries. See footnote c to annex I.

5/ NAR/CL.23/1991 of 15 October 1991.

6/ Council Regulation (EEC) laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances (see COM(90) 215 Final).

7/ Model Regulations to Control Precursors and Chemical Substances, Machines and Materials (see RM/NARCO/doc.18/90 rev.1).

8/ (±)-N,α-dimethyl-3,4-(methylenedioxy)phenethylamine (also referred to as 3,4-methylenedioxymethamphetamine or MDMA); (±)-N-[α-methyl-3,4-(methylenedioxy)phenethyl]hydroxylamine (also referred to as N-hydroxy MDA or N-OH MDA); (±)-N-ethyl-α-methyl-3,4-(methylenedioxy)phenethylamine (also referred to as N-ethyl MDA or MDE).

Annex I

Seizures of substances in Tables I and II of the 1988 Convention as reported to the Board for 1990

	Reporting country/ territory	Substance originated from:	Quantity
Acetic anhydride (Table II)	China	China	7 980 kg
	Malaysia	USA	0.5 litre
	Myanmar	a/	292 litres
	Thailand	a/	130 kg
	Turkey	a/	14 922 kg
Acetone (Table I)	Argentina	Argentina	2 633 litres
	Belgium	Belgium	b/
	Bolivia	a/	19 775 litres
	Brazil	Brazil	2 858 litres
	Colombia	Germany / USA	817 229 kg
	Czechoslovakia	Czechoslovakia	11 litres
	Ecuador	a/	75 litres
	Peru	Peru	1 899 kg
	Spain	Spain	6 litres
	Turkey	a/	25 kg
Ephedrine c/ (Table I)	Czechoslovakia	Czechoslovakia	94 kg
	Japan	a/	1 kg
	Republic of Korea	Singapore / Taiwan	294 kg
	Senegal	Gambia	d/
	USSR	USSR	a/
	United Kingdom	United Kingdom	2 kg

Substance seized (Table I/II)	Reporting country/ territory	Substance originated from:	Quantity
Ethyl ether (Table II)	Argentina	Argentina	2 188 litres
	Belgium	Belgium	b/
	Brazil	Brazil	2 444 litres
	China	China	1 330 kg
	Colombia	Germany / USA	585 617 kg
	Ecuador	a/	43 560 litres
	Myanmar	a/	1 634 litres
	Peru	Peru	40 kg
	Spain	Spain	22 litres
	Thailand	a/	1 000 kg
	Turkey	a/	50 kg
1-Phenyl- 2-propanone (Table I)	Belgium	Belgium	b/
	Norway	Germany	9 litres
	United Kingdom	Belgium	1 100 litres
	United Kingdom	United Kingdom	35 litres
Phenylacetic acid (Table II)	United Kingdom	United Kingdom	25 kg
Ergotamine (Table I)	*St. Helena*	a/	less than 1 g

a/ Not identified.

b/ "A few litres".

c/ The following countries also supplied data on seizures of ephedrine: Guinea (546 120 tablets; source: India); Ivory Coast (9 g.); Mali (20 267 tablets).

d/ Seven bottles.

Annex II

Guidelines for review of substances under article 12, paragraph 4, of the 1988 convention 1/

1. Article 12, paragraph 4, of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988 Convention) States as follows:

> "If the Board, taking into account the extent, importance and diversity of the licit use of the substance, and the possibility and ease of using alternate substances both for licit purposes and for the illicit manufacture of narcotic drugs or psychotropic substances, finds:
>
> (a) That the substance is frequently used in the illicit manufacture of a narcotic drug or psychotropic substance;
>
> (b) That the volume and extent of the illicit manufacture of a narcotic drug or psychotropic substance creates serious public health or social problems, so as to warrant international action,
>
> it shall communicate to the Commission an assessment of the substance, including the likely effect of adding the substance to either Table I or Table II on both licit use and illicit manufacture, together with recommendations of monitoring measures, if any, that would be appropriate in the light of its assessment."

2. Following a notification by a Party of a substance which may require inclusion, exclusion or re-scheduling under article 12, paragraph 4, of the 1988 Convention, or at the Board's discretion, INCB should, therefore make an assessment of the substance as part of its review procedure. This assessment is undertaken with a view to establishing whether the substance under review should be controlled and what the likely effects of any control might be.

1/ Adopted by the Board at its fiftieth session. The procedure described in this document refers mainly to an assessment of a substance proposed for scheduling. With appropriate modifications, this procedure may be applied also to substances proposed for exclusion from control under article 12 or for re-scheduling.

3. The most effective way for the Board to make an assessment of a substance under review is for it to first examine the public health and social problems related to the illicitly manufactured narcotic drugs or psychotropic substances associated with the substance under review. If the Board identifies serious public health or social problems, it should then assess the frequency of use of the substance under review in illicit drug manufacture. If the Board identifies frequent use of the substance under review in illicit drug manufacture then a requirement for international control is prima facie established. The Board should then consider what impact scheduling of the substance under review would have on legitimate trade and illicit drug manufacture.

4. Thus, the Board should seek to establish, as far as is possible on the basis of information available:

(a) The public health or social problems created by the illicit manufacture of a narcotic drug or psychotropic substance;

i.e. Does the volume and extent of illicit manufacture of that narcotic drug or psychotropic substance create a sufficiently serious public health or social problem so as to warrant international action?

(b) the significance/importance of the substance under review in illicit drug manufacture; and

i.e. Is the substance under review so frequently used in the illicit manufacture of a narcotic drug(s) or psychotropic substance(s), taking into account the possibility and ease of using alternate substances for illicit purposes, that international action is warranted?

(c) the impact of scheduling on commercial and industrial use of the substance under review and on illicit drug manufacture.

i.e. What is the extent, importance and diversity of the licit use of the substance under review, and what is the possibility and ease of using alternate substances for licit and illicit purposes?

5. In establishing items (a), (b) and (c) above, a number of factors should be considered.

6. Question I:

When the Board makes an assessment to determine whether the volume and extent of illicit manufacture of narcotic drug(s) or psychotropic substance(s) associated with the substance under review creates serious public health or social problems, so as to warrant international control, it must consider:

the status of international control of the narcotic drug or psychotropic substance;

public health and social problems caused by the illicitly manufactured narcotic drug or psychotropic substance, with reference to the scheduling decisions of the Commission, any evaluation by WHO, and any other more recent information which supplements the Commission and WHO reports; 2/

trends in the illicit manufacture and trafficking of the narcotic drug or psychotropic substance since it was placed under control, particularly with reference to the volume, extent, frequency and source of seizures of the narcotic drug or psychotropic substance; and

the current status of abuse of the narcotic drug or psychotropic substance.

7. Question II:

When the Board makes an assessment to determine whether the substance under review is frequently used in the illicit manufacture of that/those narcotic drug/drugs or psychotropic substance/substances (so as to warrant international control), it should consider:

the importance, diversity and extent of illicit use of the substance under review, the possibility and ease of using alternate substances in illicit drug manufacture, and any existing legal controls,

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2/ The Board is not required to make an entirely new assessment of the public health and social problems but may rely on the WHO reviews and Commission's scheduling actions, supplemented with current information, if any.

where

importance of the substance under review is measured

by the chemical suitability and actual use of the substance in the illicit drug manufacturing process (based on the physical and chemical properties of the substance); and

by the chemical function/use of the substance;

diversity of use of the substance under review is measured

by the number and types of narcotic drugs or psychotropic substances which are illicitly manufactured using the substance; and

by the number of different routes, methods or chemical processes actually used for illicit drug manufacture;

extent of use of the substance under review is measured

by the volume and frequency of seizures (of the substance and/or of illicit drug laboratories where the substance was used or was reported to have been used);

by the geographic origin (i.e. country/region) of seizures and seized materials; and

by the diversity of trafficking routes and practices involving the substance under review; and

the possibility and ease of using alternate substances in illicit drug manufacture is measured

by their chemical suitability and by the number of alternate substances which are available to substitute for the substance under review and which have actually been used to manufacture narcotic drugs or psychotropic substances (or the substance under review);

by the frequency of reports of such usage, by the ease of illicit manufacture and actual manufacture of such alternate substances themselves; and

by the ease of conversion and actual conversion of alternate substances or chemically related substances to the substance under review.

The Board should also consider existing legal controls including national and/or regional controls, as well as bi-lateral and/or multi-lateral agreements covering the control of the licit and/or illicit use of the substance under review and/or of alternate substances.

8. Question III:

If a requirement for international control is prima facie established following the aforementioned assessments (Question I and Question II), the Board should consider measures for control, and the impact that these would have on the commercial and industrial use of the substance under review and on illicit drug manufacture. It should consider:

the importance, diversity and extent of legitimate use of the substance under review, the ease of using alternate substances in legitimate trade, and the control measures which might be adopted,

where

importance of the substance under review is measured

by the number of its legitimate uses;

by the volume and frequency of actual usage of the substance in legitimate trade; and

by the type of industry/trade in which the substance is used (i.e. global or very limited and specialized use);

diversity of use of the substance under review is measured

by the number and types of industries in which the substance is actually used; and

by the function of the substance in that use (e.g. a starting material, an intermediate product, etc.);

extent of use of the substance under review is measured

by the volume and extent of legitimate trade of the substance worldwide (and particularly to countries and regions where illicit

drugs are produced/manufactured), including: the volume and extent of manufacture of the substance, the number and global distribution of producers, manufacturers and suppliers of the substance (with particular note being made of those in countries and regions where illicit drugs are produced/manufactured); and

by the diversity of trading routes and practices; and

the possibility and ease of using alternate substances in legitimate trade is measured

by the number of alternate substances which are available to substitute for the substance under review and which have actually been used as substitutes in legitimate industry (bearing in mind economic and practical considerations);

by the frequency of reports of such usage;

by the volume and extent of the legitimate production and trade of such substitutes; and

by the ease and actual conversion of substitutes or chemically related substances to the substance under review.

9. AEG shall make its recommendations, if any, based on information contained in a Critical Review Document (CRD), and any other relevant documentation prepared and submitted by the INCB Secretariat for each substance under review. CRD should be a compendium of available information on the substance under review, collated from data obtained from notifications, from the replies to questionnaires sent to Governments, from published studies, reviews, etc., in the literature, and from other sources. The Secretariat should also submit further documentation as appropriate.

10. AEG shall prepare a final report to be submitted to the Board which summarizes its assessments for each of the substances under review regarding the criteria in paragraph 4 of article 12.